

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DAVID ISAAC GARCIA,

Plaintiff,

vs.

No. CV 19-01223 DHU/KRS

C/O ALIMON,
C/O JOHN DOE,
LT. CHAVIRA,
CPT. GARCIA,

Defendants.

MEMORANDUM OPINION AND ORDER OF DISMISSAL

THIS MATTER is before the Court *sua sponte* under Fed. R. Civ. P. 41(b) on the Complaint for Violation of Civil Rights (“Complaint”) filed by Plaintiff David Isaac Garcia on December 31, 2019. (Doc. 1). The Court will dismiss the Complaint without prejudice for failure to comply with a Court order, failure to comply with local rules, and failure to prosecute.

The record reflects that mailings to Plaintiff David Isaac Garcia were returned as undeliverable. (Doc. 9, 12). The Court’s research indicates that Plaintiff Garcia has been released from custody of the Sandoval County Detention Center. It appears that Plaintiff has been transferred or released from custody without advising the Court of his new address, as required by D.N.M. LR-Civ. 83.6, thus severing contact with the Court.

The Court issued an Order to Show Cause on December 28, 2021, directing Plaintiff Garcia to notify the Court of a new address, or otherwise show cause why the case should not be dismissed, within 30 days of entry of the Order. (Doc. 10). More than 30 days has elapsed since entry of the Order to Show Cause and Plaintiff Garcia has not provided the Court with a new

address, responded to the Court's Order, or otherwise shown cause why the case should not be dismissed.

Pro se litigants are required to follow the federal rules of procedure and simple, nonburdensome local rules. *See Bradenburg v. Beaman*, 632 F.2d 120, 122 (10th Cir. 1980). The local rules require litigants, including prisoners, to keep the Court apprised of their proper mailing address and to maintain contact with the Court. D.N.M. LR-Civ. 83.6. Plaintiff Garcia has failed to comply with D.N.M. LR-Civ. 83.6 and with the Court's December 28, 2021, Order to Show Cause.

Plaintiff Garcia has failed to comply with the Court's order, failed to comply with the local rules, and failed to prosecute this action by not keeping the Court apprised of his current address. The Court may dismiss an action under Fed. R. Civ. P. 41(b) for failure to prosecute, to comply with the rules of civil procedure, or to comply with court orders. *See Olsen v. Mapes*, 333 F.3d 1199, 1204, n. 3 (10th Cir. 2003). Therefore, the Court will dismiss this civil proceeding pursuant to Rule 41(b) for failure to comply with the Court's Order, failure to comply with local rules, and failure to prosecute this proceeding.

IT IS ORDERED that the Complaint for Violation of Civil Rights filed by Plaintiff David Isaac Garcia (Doc. 1) is **DISMISSED** without prejudice under Fed. R. Civ. P. 41(b) for failure to comply with the Court's Order, failure to comply with local rules, and failure to prosecute.



UNITED STATES DISTRICT JUDGE